

REMARKS

Claims 1-11, 13, 14, 17, and 18 are pending. Applicants have cancelled claims 11 and 13 without prejudice. Claims 1-10, 14, 17, and 18 will therefore be pending upon entry of the proposed amendments.

Applicants have amended claim 10 to refer back to claim 7 instead of claim 1 and to incorporate the limitations of claim 13. No new matter is introduced by these amendments.

Applicants acknowledge that claims 1-9, 14, and 17 are allowed.

Sequence Listing

Applicants submit herewith a statement that the contents of the Sequence Listing submitted on January 15, 2008 includes no new matter as required by 37 CFR §1.821(g) and/or §1.825(a).

Rejections under 35 U.S.C. § 112, first paragraph

[1] Claims 10, 11, 13, and 18 are rejected for allegedly failing to comply with the enablement requirement of 35 U.S.C. § 112, first paragraph. According to the Office Action: "[d]eposit of cell line ES7-008 would satisfy the enablement requirements of 35 U.S.C. § 112, first paragraph" (Office Action, page 3). Applicants submit herewith a declaration by Agustin Perez-Aranda Ortega stating that a culture of the microorganism strain ES7-008 has been deposited under the provisions of the Budapest Treaty. In view of the foregoing, Applicants respectfully request that the rejection be reconsidered and withdrawn.

[2] Claims 10, 11, and 18 are rejected for allegedly failing to comply with the written description requirement of 35 U.S.C. § 112, first paragraph.

Applicants respectfully disagree with the ground for the rejection; however, to expedite prosecution of the application, Applicants have amended claim 10 to incorporate the limitations of claim 13, a dependent claim that was not rejected on the aforementioned grounds. As such, claim 10 now requires "cultivating a substantially pure culture strain ES7-008, available under accession number CECT 3358, from the Colección Espanola de Cultivos Tipo at the University

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of Valencia, Spain.” In view of the foregoing, Applicants respectfully request that the rejection be reconsidered and withdrawn.

CONCLUSION

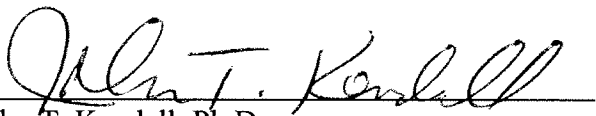
Applicants submit that all claims are in condition for allowance.

The fee in the amount of \$120 for the one month extension of time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of a Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 14700-008US1.

Respectfully submitted,

Date:

June 5, 2008



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